



## Best Practices: Ombudsman Office Charters

Charters are agreements between organizations and their ombuds offices that codify roles and responsibilities, and as establish a shared understanding of how the office will function within the organization. The establishment of a Charter document provides many benefits and protections to both the ombuds office and the organization and is highly recommended for any organizational ombuds practice.

This document is designed to provide a general outline of the information that is typically included within Charters; it may be useful for organizations that are considering establishing an ombudsman's office, ombuds in newly created offices who are collaborating with their institutions on developing a charter, or ombudsman offices that are already established, but lack a Charter. It is recommended that ombuds at any stage collaborate with their organizations to develop a Charter that meets the organization's needs, and also abides by the IOA's [Standards of Practice](#) and [Code of Ethics](#).

This document is intended to be used as a checklist. The actual format and language used is up to the individual ombuds office and the organization in which they operate.

### 1. Introduction

- Office name/organization name
- Date of establishment
- Specify population/constituency served

### 2. Purpose/Mission/Mandate

- General statement about role
- Key Points:
  - Conflict management resource
  - Alternative to formal channels
  - Confidential, informal, impartial and independent (See #5)



*Charters may also be called "Terms of Reference" in some organizations.*

*A Charter can prove invaluable during times of organizational transition by maintaining and clarifying the authority of the ombuds office.*

*A Charter document can serve to provide protections for the ombuds office and the organization in circumstances where questions of notice arise.*

*Some organizations may choose to create two separate charter documents. One may serve to outline broad policies such reporting lines and constituency served, while another can address more specific ombuds practices and administrative functions, such as record keeping, communication preferences and annual reports.*

- Safety from retribution/retaliation for utilizing the office of ombudsman
- Information regarding organizational policies and procedures
- Trend reporting to organizational leaders
- Option generating

### **3. Responsibilities/Duties/Functions**

- Key Points:
  - Assist visitors in resolving disputes
  - Inform visitors of organizational policies and procedures
  - Refer visitors to appropriate resources/processes (internal and/or external)
  - Provide information to leadership regarding problematic trends/issues/systemic matters

### **4. Standards of Practice/Code of Ethics**

- Provide a more detailed explanation of the four principles in the IOA's Code of Ethics
  - Confidentiality
  - Informality
  - Impartiality
  - Independence
- Provide a link to IOA's Standards of Practice and Code of Ethics documents or append them to the document

### **5. Procedures/Operation**

- Provide any specific information regarding ombuds office policies and procedures
- Key Points:
  - Reporting structure
  - Confidentiality
  - Access to organization information
  - Record keeping/retention
  - Communication preferences
  - Annual reports

### **6. Jurisdiction/Authority and Limits**

- Key Points:
  - Ombuds authority to:
    - Initiate informal inquiries
    - Access relevant organizational information
    - Recuse oneself from cases due to actual or potential conflict of interest
    - Withdraw from cases at ombuds discretion
    - Determine information to be shared with visitor

- Access legal counsel
- Assert right of access to defined constituency
  
- Limits to authority with regard to:
  - Policy making/changes
  - Formal processes
  - Receiving notice for the organization
  - Providing notice to the organization
  - Providing legal advice
  - Advocacy for parties
  - Adjudication for parties

**7. Records/Reporting**

- Access to relevant organizational information
- Record keeping policy/protocol (i.e. destruction of case related materials)

**8. Reports**

- Frequency of reports
- Audience for reports
- Data shared
- Trend reporting protocols

**9. Conflict of Interest**

- Recusal policies
- Strategies to avoid potential conflict of interest
  - Will not serve as a voting member on committees
  - Will not serve in a policy making capacity
  - Will not participate in adjudication processes

**10. Evaluation**

- Evaluation procedures for the ombuds and any additional ombuds staff members

**11. Appointment/Removal of Ombuds/Terms of Employment**

- Criteria for ombuds selection
- Contract terms/limits
- Termination procedures



*Best practices grant ombuds offices significant discretion in how they issue reports to their organizations, from issuing no reports at all to issuing regular, detailed reports. Drafters should be mindful that the philosophy of the ombuds office on such reports may change over the lifetime of the charter and may wish to avoid creating narrow restrictions on reports within the charter.*

*Ombuds should also consult with their organization's records management office to ensure that he or she understands what the organization considers a "record" and how to appropriately handle such items.*

**12. Amendment/Revocation of Charter**

- What process will be followed for amending the charter?
- Who has the authority to make amendments to the charter?
- Who has the authority to revoke the charter?

**13. Other issues which may require attention in your charter:**

- Role of advisory board/groups
- Role of other ombuds office staff members (i.e. program coordinator, administrative support)
- Existence of safeguards against retaliation for using the ombuds office
- Organizational relationships of the ombuds office (i.e. reporting structure)
- How the organization will handle complaints about the ombuds office
- Role of the office with regard to collective bargaining agreements
- Funding of the ombuds office
- Voluntary nature of the ombuds office – never a required step



*Suggested language regarding Charter amendments:*

*“The charter remains in effect unless revoked. It may be amended only at the agreement of the ombudsman and (insert appropriate administrative title).”*